



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,
MIKE HUNTER,
ATTORNEY GENERAL OF OKLAHOMA,

Plaintiff,

v.

- (1) PURDUE PHARMA L.P.;
 - (2) PURDUE PHARMA, INC.;
 - (3) THE PURDUE FREDERICK COMPANY;
 - (4) TEVA PHARMACEUTICALS USA, INC.;
 - (5) CEPHALON, INC.;
 - (6) JOHNSON & JOHNSON;
 - (7) JANSSEN PHARMACEUTICALS, INC.;
 - (8) ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
 - (9) JANSSEN PHARMACEUTICA, INC.,
n/k/a JANSSEN PHARMACEUTICALS, INC.;
 - (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC.;
 - (11) WATSON LABORATORIES, INC.;
 - (12) ACTAVIS LLC; and
 - (13) ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,
- Defendants.

For Judge Balkman's
Consideration

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

APR 26 2018

In the office of the
Court Clerk MARILYN WILLIAMS

TEVA DEFENDANTS' AND ACTAVIS DEFENDANTS'
GENERAL MOTION IN LIMINE #1

Pursuant to the Court's Supplemental Scheduling Order requiring that the parties submit individual motions in limine, Teva Pharmaceuticals USA, Inc. ("Teva USA"), Cephalon, Inc. ("Cephalon"), Watson Laboratories, Inc. ("Watson"), Actavis LLC ("Actavis LLC"), and Actavis Pharma, Inc. ("Actavis Pharma")¹ submit this and nine other such motions. For ease of reference, the motions are numbered in sequential order.

¹ Cephalon and Teva USA are referred to as the "Teva Defendants." Watson, Actavis, LLC, and Actavis Pharma are referred to as the "Actavis Defendants."

INTRODUCTION

The number of limine motions is necessary in this case despite the fact that it will be tried to the Court and not a jury. Because the trial will be televised and is sure to attract nationwide press coverage and attention, the Court is far from its only audience. Over 1,500 similar lawsuits have been filed against the Teva and Actavis Defendants throughout the country. Evidence admitted at this trial could well reach—and influence—potential jurors in these other cases. Indeed, various Oklahoma cities, counties, and tribes have filed suit separately and asserted claims that will be tried to a jury *in this state*. Thus, it is essential that the rules of evidence be applied as diligently in this case as in any jury trial.

Further, the motions in limine are required to prevent the State from utilizing this Court's courtroom to stage a public relations attack on Defendants. To be clear, the State will use these televised proceedings as a vehicle to achieve objectives having nothing to do with its remaining claim in this case, *i.e.*, namely to embarrass and harass Defendants. To prevent the courtroom and these proceedings from being hijacked in that manner, the Teva and Actavis Defendants respectfully ask that the Court enter the requested motions in limine and limit the trial to only the evidence and conduct it should contain under the law and under the rules of this Court.

ARGUMENT AND AUTHORITIES

The Teva and Actavis Defendants move this Court to preclude the State from referring to or otherwise offering at trial, information or evidence in any form (whether through direct or cross-examination, expert testimony or through exhibits of any type) and from presenting to the jury in any manner (whether in opening statements, questions to witnesses or experts, objections, closing arguments, or otherwise) the following:

A. EVIDENCE REGARDING THE STATE OPIOID COMMISSION

The January 23, 2018 “Oklahoma Commission on Opioid Abuse Final Report” (the “Report”), and statements regarding the Commission that created it, must be excluded as irrelevant, unfairly prejudicial, and inadmissible hearsay. The Report and the Commission that created it have been referenced in several of the depositions and hearings. For example, the State pointed to it repeatedly in the January 22, 2019 deposition of Alan Must, Vice President of Government Affairs for Purdue Pharma, LP, to baselessly allege that Defendants have ignored opportunities for positive involvement in mitigating the opioid epidemic in Oklahoma. Must Dep. (1/22/2019) at 31:2-25; 32:12-35:10; 311:19-313:23, Exhibit 1. The State attempted to make the same point again when it brought up the Report, and the Commission that created it, during the April 11, 2019 Hearing on Severance. Apr. 11, 2019 Hr’g Tr. 35:21-37:8, Exhibit 2.

First, the Report is unrelated to the Teva and Actavis Defendants’ conduct in the State of Oklahoma and has no bearing on whether the Teva and Actavis Defendants’ conduct created a public nuisance. As such, the Report is remote and collateral to the issues in this trial, and no reasonable inference about any relevant issues can be drawn from it. *See* 12 O.S. §§ 2401, 2402. Second, evidence like the Report that is proffered solely to garner sympathy from the fact finder, or which carries the potential for an inappropriate appeal to the Court’s sympathy, is properly excluded at trial, even if found to be relevant. *See Thompson v. State Farm Fire & Cas. Co.*, 34 F.3d 932, 939-40 (10th Cir. 1994). Even if this Court were to find the Report relevant, it should be excluded because its probative value, if any, is substantially outweighed by the danger of unfair prejudice to the Teva and Actavis Defendants. *See* 12 O.S. § 2403. “The court has not only the discretion but also the duty to exclude evidence of little or no relevance or probative value which might have a prejudicial effect.” *Security State Bank v. Baty*, 439 F.2d 910, 913 (10th Cir. 1971); *Chesapeake Operating Inc. v. Kast Tr. Farms*, 2015 OK CIV APP 5, ¶ 43, 352

P.3d 1231, 1240 (“The court must seek a balance of probative value and potential prejudice on the facts of each case.”). And third, the Report is inadmissible hearsay, as it contains unsworn, out-of-court statements offered to prove the truth of the matter asserted. *See* 12 O.S. § 2802. Thus, the Report, and references to the Commission that created it, must be excluded.

B. EVIDENCE REGARDING THE PRESIDENT’S COMMISSION ON COMBATING DRUG ADDICTION AND THE OPIOID CRISIS

On November 1, 2017, the President’s Commission on Combating Drug Addiction and the Opioid Crisis issued its report. This report, its recommendations, and any remarks by or regarding the commission who created it, are inadmissible for the reasons cited in Part II.A. relating to the Oklahoma Opioid Commission.

C. EVIDENCE REGARDING DEFENDANTS’ OUT-OF-STATE CONDUCT

This Court should also prohibit any evidence regarding out-of-state conduct by these Defendants. The Motion of Defendants for Judicial Notice Pursuant to 12 O.S. § 2201 that Any Reliance by the State on Defendants’ Out-of-State Marketing Conduct to Prove Violations of Oklahoma Law is Unconstitutional, filed on April 23, 2019, is attached as Exhibit 3 and is incorporated here. As shown in the Notice, it is unconstitutional for the State of Oklahoma to regulate Defendants’ conduct in this trial based on conduct occurring in another state. Further, allegations of conduct in other states are irrelevant. Because the State cannot regulate Defendants’ out-of-state conduct, that conduct is irrelevant and should be excluded from trial.

In particular, allegations of marketing activity, either branded or unbranded, should be excluded where there is no showing that the marketing materials or representations were distributed or published in Oklahoma. *See* 12 O.S. §§ 2401, 2402. Further, allegations of misrepresentations for the purpose of increasing sales of opioid medicines should be excluded

from trial where there is no actual evidence showing those alleged misrepresentations were relied upon by a person in the State of Oklahoma. *Id.*

D. REFERENCES TO ALLEGEDLY FALSE REPRESENTATIONS NOT IDENTIFIED IN INTERROGATORY RESPONSES

In their interrogatories, Defendants asked the State to identify the alleged false representations by Defendants on which its claim is based. *See, e.g.*, Teva's Second Set of Interrogs. (8/8/18), Nos. 8, 9; Cephalon's Second Set of Interrogs. (4/17/18), Nos. 5, 8 and 15; Actavis LLC's First Set of Interrogs. (8/8/18), Nos. 5, 13; Actavis Pharma Inc.'s First Set of Interrogs. (8/8/18), No. 5 and 13, collectively attached as Exhibit 4. Defendants took discovery and prepared their defense in reliance on the information provided by the State in its sworn interrogatory responses. The State should not be permitted to ambush Defendants at trial with previously undisclosed "false representations." The Court should prohibit any suggestion that any advertisement or other representation of a Defendant was false unless the State identified that statement as false in its interrogatory responses.

E. STATISTICS REGARDING OPIOID DEATHS THAT INCLUDE DATA RELATING TO DRUGS THAT WERE ILLEGALLY ACQUIRED

The State may seek to introduce statistics regarding deaths resulting from opioid use. These statistics do not differentiate between deaths linked to Defendants' legal medications and those related to illegal drug use. Any evidence (statistical or otherwise) that conflates Defendants' legal products and unrelated illegal products is inadmissible under 12 O.S. § 2403. Although this is a bench trial, the televised nature of the trial presents a serious risk of prejudice not present in other non-jury proceedings. The Court knows Defendants are not liable for unconnected criminal conduct involving illegal drugs, but the public (and potential jurors in other cases) may not make this distinction. Injecting this flawed, unsubstantiated evidence into

the public domain would unfairly prejudice Defendants. Any limited probative value of this type of evidence clearly is significantly outweighed by the danger of unfair prejudice it presents.

F. REFERENCES TO OPIOIDS AS “GATEWAY DRUGS”

The State likes to assert that prescription opioids are a “gateway drug” to heroin. This statement is based on unreliable statistics and is highly inflammatory. Further, the State has identified no evidence that the lawful, prescribed use by any patient in Oklahoma of any of the Teva or Actavis Defendants’ prescription opioids led that patient to heroin use. Any relevance is substantially outweighed by the unfair prejudice caused by linking Defendants’ legal medications to an illegal drug. This reference should be excluded under 12 O.S. § 2403.

G. HEARSAY STATEMENTS OF ALLEGED CO-CONSPIRATORS

The State may seek to introduce out-of-court statements by other drug manufacturers as evidence against Defendants. These statements are inadmissible hearsay. *See* 12 O.S. § 2802. The State may claim the statements fall within the “co-conspirator exception” to the hearsay rule, *i.e.*, 12 O.S. § 2801(B)(2)(e). The exception applies only to statements that are made by a co-conspirator of a party (1) during the course of a conspiracy, and (2) in furtherance of the conspiracy. *Id.* To make this showing, the party offering the statement must first make establish a *prima facie* case of conspiracy from other sources. *See Dill v. Rader*, 1978 OK 78, 583 P.2d 496, 498. The Court should require the State to make this showing at a bench conference (or when the television cameras are off) *prior to* introducing or referring to any alleged co-conspirator statements at trial.

CONCLUSION

For the foregoing reasons, the Teva Defendants and Actavis Defendants ask that the Court grant this Motion in Limine and instruct the State and all counsel not to mention, refer to, interrogate about, or attempt to convey in any manner, either directly or indirectly, any of these

matters, and further instruct the State and all counsel to warn and caution each of their witnesses to follow the same instructions.

Dated April 26, 2019

Respectfully submitted,



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Laboratories, Inc., Actavis LLC, and Actavis
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was emailed this 26th day of April 2019, to the following:

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EXHIBIT 1

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY

2 STATE OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel.,
4 MIKE HUNTER,
ATTORNEY GENERAL OF OKLAHOMA,

5 Plaintiff,

6 vs.

Case No. CJ-2017-816

7 (1) PURDUE PHARMA, L.P.;
8 (2) PURDUE PHARMA, INC.;
9 (3) THE PURDUE FREDERICK COMPANY;
10 (4) TEVA PHARMACEUTICALS USA, INC.;
11 (5) CEPHALON, INC.;
12 (6) JOHNSON & JOHNSON;
13 (7) JANSSEN PHARMACEUTICALS, INC.;
14 (8) ORTHO-McNEIL-JANSSEN
15 PHARMACEUTICALS, INC., n/k/a
16 JANSSEN PHARMACEUTICALS, INC.;
17 (9) JANSSEN PHARMACEUTICA, INC.;
18 N/k/a JANSSEN PHARMACEUTICALS, INC.;
19 (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
20 f/k/a ACTAVIS, INC., f/k/a WATSON
21 PHARMACEUTICALS, INC.;
22 (11) WATSON LABORATORIES, INC.;
23 (12) ACTAVIS, LLC; and
24 (13) ACTAVIS PHARMA, INC.,
25 f/k/a WATSON PHARMA, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF PURDUE 3230(c)(5) WITNESS

ALAN MUST

TAKEN ON BEHALF OF THE PLAINTIFF

ON JANUARY 22, 2019, BEGINNING AT 9:04 A.M.

IN OKLAHOMA CITY, OKLAHOMA

VIDEOTAPED BY: Gabe Pack

REPORTED BY: D. Luke Epps, CSR, RPR

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1 Q (BY MR. BECKWORTH) And you even had a
2 sales representative who was the manager of all the
3 sales reps in Oklahoma who y'all put in the hall of
4 fame for being one of your top salesmen in history;
5 correct?
6 MR. SNAPP: Objection. Scope.
7 THE WITNESS: I'm unaware.
8 Q (BY MR. BECKWORTH) What you did was you
9 made money year after year after year in the state
10 of Oklahoma but you never came into the state to
11 help us fix the problem caused by your drugs.
12 That's a fact, isn't it?
13 MR. SNAPP: Objection. Form. Scope.
14 THE WITNESS: Again, I indicated we have
15 done some things in Oklahoma --
16 Q (BY MR. BECKWORTH) Two things.
17 A -- and nationwide.
18 Q Two things in the state of Oklahoma;
19 right?
20 MR. SNAPP: Objection. Form. Scope.
21 THE WITNESS: Two things that I
22 specifically can think of today and nationwide.
23 Q (BY MR. BECKWORTH) Two things when we
24 lose three lives a day? Two things; right?
25 MR. SNAPP: Objection. Form. Scope.

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1 THE WITNESS: Correct.
2 Q (BY MR. BECKWORTH) Two things. Now, the
3 attorney general of the state of Oklahoma convened a
4 commission of public and private sector folks to
5 study the opioid crisis in the state. Were you
6 aware of that?
7 A I was.
8 Q And your job is state affairs; correct?
9 A Yes.
10 Q And in 2017 you elevated that to also
11 include federal government affairs; correct?
12 A Yes, sir.
13 Q Where were you during this opioid
14 commission here in the state of Oklahoma?
15 MR. SNAPP: Object to the form.
16 THE WITNESS: I had an employee attending
17 that.
18 Q (BY MR. BECKWORTH) Who?
19 A At that time it would have been Linda
20 Barefoot.
21 Q Did Linda Barefoot come to those
22 commissions?
23 A I can't state today one way or the other.
24 Q Did you come?
25 A I did not.

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1 Q So your job was state affairs; right?
2 A Correct.
3 Q Is there anything more important at Purdue
4 right now as we sit than the opioid crisis in
5 America? Anything?
6 MR. SNAPP: Object to the form.
7 THE WITNESS: No.
8 Q (BY MR. BECKWORTH) Okay. You understand
9 that the state of Oklahoma had sued Purdue over a
10 year ago; right?
11 A Yes.
12 Q The chief law enforcement officer of the
13 state of Oklahoma, that's the attorney general, you
14 understand that?
15 A Uh-huh.
16 Q Yes, sir?
17 A Yes.
18 Q And you understand that that falls in the
19 purview of state affairs --
20 A Uh-huh.
21 Q -- as dealing with attorney generals --
22 A Yes.
23 Q -- correct? He convened a bipartisan
24 group of public and private sector folks to examine
25 this problem and react to it and do what needed to

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1 be done at the state level to fix it, and you, sir,
2 did not show up, did you?
3 MR. SNAPP: Object to the form.
4 THE WITNESS: I did not.
5 Q (BY MR. BECKWORTH) You didn't come to a
6 single meeting, did you?
7 MR. SNAPP: Object to the form.
8 THE WITNESS: I personally did not.
9 Q (BY MR. BECKWORTH) You did not come and
10 say, "State of Oklahoma, we're Purdue. We're here
11 to help you"; right?
12 MR. SNAPP: Object to the form. Scope.
13 THE WITNESS: I did not.
14 Q (BY MR. BECKWORTH) And it's a fact, isn't
15 it, that unless we get a jury to mandate that you
16 pay the money it takes to abate this problem in
17 Oklahoma, Purdue is not going to do one thing about
18 it, are they?
19 MR. SNAPP: Object to the form. Scope.
20 THE WITNESS: I don't know the answer to
21 that.
22 Q (BY MR. BECKWORTH) You've worked there --
23 you've worked there 16 years, 17 years; right?
24 A Uh-huh. Yes.
25 Q Yes. In that 17 years, they haven't

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1 dropped one dime into our state to fix this problem,
2 have they?
3 MR. SNAPP: Object to the --
4 Q (BY MR. BECKWORTH) Not one?
5 MR. SNAPP: Object to the form. Scope.
6 THE WITNESS: We have not.
7 Q (BY MR. BECKWORTH) You've taken tens, if
8 not hundreds of millions of dollars out of this
9 state selling your drugs; right?
10 MR. SNAPP: Object to the form. Scope.
11 Q (BY MR. BECKWORTH) Right?
12 MR. SNAPP: Same objections.
13 THE WITNESS: We've sold our product in
14 the state of Oklahoma, yes.
15 Q (BY MR. BECKWORTH) You've never stopped
16 it; right?
17 MR. SNAPP: Object to the form.
18 THE WITNESS: We have not.
19 Q (BY MR. BECKWORTH) You know that people
20 are dying; right?
21 A Yes.
22 Q You know that people are addicted; right?
23 MR. SNAPP: Object to the form.
24 THE WITNESS: Yes.
25 Q (BY MR. BECKWORTH) You know that the very

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1 doctors that you called upon with your sales team
2 overprescribe; correct?
3 MR. SNAPP: Object to the form. Scope.
4 THE WITNESS: Yes.
5 Q (BY MR. BECKWORTH) You're acutely aware
6 that the state of Oklahoma doesn't have the funding
7 it needs to handle this crisis? You're aware of
8 that; right?
9 MR. SNAPP: Object to the form. Scope.
10 THE WITNESS: I'm not.
11 Q (BY MR. BECKWORTH) Well, you're involved
12 in state government. That's your job for over a
13 decade; correct?
14 A Yes.
15 Q Have you seen a state yet that has the
16 resources needed to abate the opioid crisis?
17 MR. SNAPP: Object to the form. Scope.
18 THE WITNESS: I have seen different states
19 with different levels of financial ability to
20 address it, yes.
21 Q (BY MR. BECKWORTH) You know Oklahoma
22 doesn't have the financial ability to do what needs
23 to be done; right? You know that?
24 MR. SNAPP: Object to the form. Beyond
25 the scope.

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1 THE WITNESS: I'm unaware.
2 Q (BY MR. BECKWORTH) Based on your
3 experience, your career, this has been your job.
4 You have no idea whether Oklahoma can afford the
5 billions of dollars it's going to take to fix this
6 problem?
7 MR. SNAPP: Object to the form. Scope.
8 THE WITNESS: I don't know.
9 Q (BY MR. BECKWORTH) Let me ask you this.
10 You've liaised with state governments your whole
11 career; right?
12 A At this company, yes.
13 Q And you've spent millions of dollars on
14 lobbying here in Oklahoma and around the country?
15 You'd agree with that?
16 A Probably, yes.
17 Q Okay. Do you want Purdue to help fix this
18 problem in the state of Oklahoma?
19 MR. SNAPP: Object to the form.
20 THE WITNESS: I think that -- I know that
21 Purdue wants to be part of the solution to the
22 opioid problem, yes.
23 Q (BY MR. BECKWORTH) Have you ever gone to
24 anybody that you report to at Purdue and said let's
25 stop spending money on self-lobbying, and let's take

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1 that money and put it where it's needed in Oklahoma
2 and fix their problem? Have you ever done that?
3 A No.
4 MR. SNAPP: Object to the form.
5 Q (BY MR. BECKWORTH) Have you ever heard
6 one person at Purdue ever say let's gather the
7 resources we have, quit lobbying and promoting
8 ourself, and fix the problem in the state of
9 Oklahoma? Has that ever happened?
10 MR. SNAPP: Object to the form.
11 THE WITNESS: I have heard conversations
12 about trying to help states address it. I have not
13 heard the conversation about stopping the lobbying
14 that we're doing.
15 Q (BY MR. BECKWORTH) You've never heard a
16 conversation about any of that with respect to our
17 state, though, have you?
18 MR. SNAPP: Object to the form.
19 THE WITNESS: We have provided funding to
20 organizations to make various aspects of
21 improvements on prescription drug monitoring
22 programs available. I don't believe that Oklahoma
23 has ever taken advantage of any of those
24 opportunities.
25 Q (BY MR. BECKWORTH) We haven't taken

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1 Q And over a thousand cities and counties
2 have filed suit; right?
3 MR. SNAPP: Object to the form. Scope.
4 THE WITNESS: I don't know the number, but
5 many.
6 Q (BY MR. BECKWORTH) And Native American
7 tribes have filed suit; right?
8 MR. SNAPP: Object to the form. Scope.
9 THE WITNESS: That's my understanding,
10 yes.
11 Q (BY MR. BECKWORTH) Including the
12 Chickasaws, the Choctaws, and the Cherokee Nation
13 right here in our state; right?
14 MR. SNAPP: Object to the form. Scope.
15 THE WITNESS: That's my understanding,
16 yes.
17 Q (BY MR. BECKWORTH) Are all these
18 political sovereigns the devil? Are they bad? Are
19 they doing the wrong thing by bringing these
20 lawsuits?
21 MR. SNAPP: Object to the form. Scope.
22 THE WITNESS: No, they're not the devil
23 and they're not bad.
24 Q (BY MR. BECKWORTH) And are their lawyers
25 bad people for bringing these lawsuits?

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1 MR. SNAPP: Object to the form.
2 THE WITNESS: Scope. I won't say the
3 lawyers are bad people for doing it, but it has been
4 lawyers that have gone out and solicited these
5 various people to file these lawsuits.
6 Q (BY MR. BECKWORTH) They've solicited them
7 to do it?
8 A Yes.
9 Q What do you base that on?
10 A On my --
11 Q Anti-story rhetoric that you paid for?
12 MR. SNAPP: Object to the form.
13 THE WITNESS: No. No. Elected officials
14 that I've spoken to about it.
15 Q (BY MR. BECKWORTH) Which ones? Here in
16 Oklahoma? You've got -- did that happen in
17 Oklahoma?
18 A I don't know about Oklahoma.
19 Q You don't know about Oklahoma. Do you
20 know why? Because we had an Opioid Commission that
21 was convened that you should have been at, and you
22 didn't get in your car or your plane and come down
23 here and sit with the people of Oklahoma and figure
24 out what to do about this problem, did you?
25 MR. SNAPP: Object to the form. Scope.

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1 THE WITNESS: You're right. I did not,
2 but I did check to find out that our regional
3 director of state government affairs did attend that
4 via teleconference.
5 Q (BY MR. BECKWORTH) How many times?
6 A Whatever times that they met.
7 Q Who was that?
8 A Linda Barefoot.
9 Q And did Linda Barefoot ever offer a
10 solution or funding or anything at all to help us
11 ever?
12 MR. SNAPP: Object to the form.
13 THE WITNESS: She was listening and
14 monitoring the outcome of the opioid task force.
15 Q (BY MR. BECKWORTH) She reported back to
16 you?
17 A Yes.
18 Q And did you come down here and engage and
19 meet with us to figure out what to do?
20 MR. SNAPP: Object to the form.
21 THE WITNESS: I did not come here, no.
22 Q (BY MR. BECKWORTH) No, you didn't. Could
23 have; right? We didn't tell you not to come.
24 MR. SNAPP: Object to the form.
25 THE WITNESS: Who is we?

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1 Q (BY MR. BECKWORTH) The attorney general.
2 A The attorney general expressed disinterest
3 in hearing from us, yes.
4 Q The attorney general told you not to come
5 to his Opioid Commission? Is that your statement
6 under penalty of perjury right here in front of this
7 judge and jury, sir?
8 A No, that's not my statement.
9 Q Because that never happened.
10 MR. SNAPP: Object to the form.
11 THE WITNESS: That's not my statement.
12 Q (BY MR. BECKWORTH) He did not tell you
13 not to come?
14 MR. SNAPP: Object to the form.
15 THE WITNESS: He told me that there was no
16 point in discussing it.
17 Q (BY MR. BECKWORTH) Discussing what?
18 A The lawsuit.
19 Q That's not what I asked you. I asked you
20 did you come down to the state of Oklahoma and offer
21 to help with our problems in that Opioid Commission?
22 Did you do it?
23 A No.
24 MR. SNAPP: Object --
25 Q (BY MR. BECKWORTH) You did not?

EXHIBIT 2

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IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)
MIKE HUNTER)
ATTORNEY GENERAL OF OKLAHOMA,)
)
Plaintiff,)

VS

Case No. CJ-2017-816

(1) PURDUE PHARMA L.P.;)
(2) PURDUE PHARMA, INC.;/)
(3) THE PURDUE FREDERICK)
COMPANY;)
(4) TEVA PHARMACEUTICALS USA,)
INC.;)
(5) CEPHALON, INC.;)
(6) JOHNSON & JOHNSON;)
(7) JANSSEN PHARMACEUTICALS,)
INC.;)
(8) ORTHO-MCNEIL-JANSSEN)
PHARMACEUTICALS, INC.,)
n/k/a JANSSEN PHARMACEUTICALS;)
(9) JANSSEN PHARMACEUTICA,)
INC.)
n/k/a JANSSEN PHARMACEUTICALS,)
INC.;)
(10) ALLERGAN, PLC, f/k/a)
ACTAVIS PLC, f/k/a ACTAVIS,)
INC., f/k/a WATSON)
PHARMACEUTICALS, INC.;)
(11) WATSON LABORATORIES,)
INC.;)
(12) ACTAVIS LLC; AND)
(13) ACTAVIS PHARMA, INC.,)
f/k/a WATSON PHARMA, INC.,)
)
Defendants.)

**PORTIONS OF THE TRANSCRIPT ARE COVERED UNDER THE
PROTECTIVE ORDER**
TRANSCRIPT OF MOTIONS HEARING
HAD ON THE 11TH DAY OF APRIL, 2019,
BEFORE THE HONORABLE
THAD BALKMAN, DISTRICT JUDGE
AND WILLIAM C. HETHERINGTON, JR.,
RETIRED ACTIVE JUDGE AND SPECIAL DISCOVERY MASTER

REPORTED BY: Tanya Burcham, CSR, RPR

1 know what every one of them said? Zero. We've asked,
2 did your brothers in this case, did they do anything
3 wrong? Don't know. Not going to talk about it. How
4 much was Purdue at fault? How much was Teva at fault?
5 Zero. Don't know. Not going to talk about it. Not a
6 witness has ever said that they bore any responsibility.
7 And with all due respect to these guys, it's absolutely
8 relevant to the question that you started today off
9 with. That's why I spent so much time on it. The right
10 to a jury trial is pretty important, as Your Honor and I
11 knows. I don't know why we wouldn't want to have a full
12 record.

13 Let me tell you where it comes in abatement.
14 We'll go right to the law and we'll be done. J&J, we
15 asked their head lobby guy -- Your Honor could see that
16 but I'll just tell you what it says. We asked him what
17 they had done in the state. And for years this guy was
18 paid to be a lobbyist and hired to be a lobbyist in the
19 state to go to every aspect of the state that dealt with
20 opioids.

21 So General Hunter, as you may know and I'm
22 sure you read, convened the opioid commission here in
23 the state which was a very broad and sweeping effort
24 that involved public and private sector. It involved
25 republicans and democrats and independents. He asked

1 all the thought leaders in the state to convene. And we
2 had folks from doctors to the press to Commissioner
3 White were involved to get in and say here's what the
4 problem is -- law enforcement, everybody -- what do we
5 do, what should we do? Everyone is invited, most of
6 these meetings were public. I went to some of them. It
7 came out of that that I think six or seven bills went
8 through the legislature last year. All of them were
9 passed. It was an effort by the state to deal with this
10 problem. The defendants didn't show up. There are
11 lobbyists that were paid, lobbyists on staff that were
12 -- could have been there to say let us do our part to
13 help solve this problem in Oklahoma. They didn't go.
14 They refused to participate. Now, they have spent
15 collectively, when you add Purdue into it, 50- to
16 \$100 million a year on lobbyists, including one they all
17 participated in called Pharma, to lobby and lobby to get
18 more available or more availability for their drugs in
19 the state. To have wider prescription and to fight
20 against any restrictions that could be put in place that
21 could help deal with this problem. But when the time
22 came to deal with it in the state they cut and ran. And
23 with J&J, they literally cut and ran. They got rid of
24 Noramco and they got rid of their Nucynta business.
25 They didn't want to have a seat at the table to fix the

1 problem. So are we saying that stuff because we want to
2 say it? No. I'm saying it because it comes back to the
3 law. This is a case where we've got the worst public
4 health crisis in modern history. In Oklahoma, you've
5 heard General Hunter say it, people are dying every day.
6 Someone that -- the folks at this table that deal with
7 it every day and love just lost somebody two days ago to
8 an opioid overdose.

9 It's real, it's urgent, and it's got to be
10 fixed, and they're not going to do it. So the law of
11 the State of Oklahoma recognizes that in equity,
12 sometimes there comes conditions that are so bad that
13 you have to have a judge intervene and do something
14 about it. And that's what we're asking Your Honor to
15 do. It's a burden on you. It's going to be a lot of
16 pressure on you, but it's what has to be done. So how
17 do you do it? I can read you dozens of cases. I don't
18 want to waste your time. There are dozens upon dozens
19 of cases. This thing that J&J put in its brief, there's
20 a reason why Teva didn't do it and J & J did. Teva
21 knows it's not correct. I'll read you *Town of Jennings*
22 v --

23 THE COURT: Before you start, we had
24 dismissed the members of the media because there was
25 some confidential information. If there's not, I'm

EXHIBIT 3

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,
MIKE HUNTER,
ATTORNEY GENERAL OF OKLAHOMA,

Plaintiff,

vs.

- (1) PURDUE PHARMA L.P.;
- (2) PURDUE PHARMA, INC.;
- (3) THE PURDUE FREDERICK COMPANY,
- (4) TEVA PHARMACEUTICALS USA, INC.;
- (5) CEPHALON, INC.;
- (6) JOHNSON & JOHNSON;
- (7) JANSSEN PHARMACEUTICALS, INC,
- (8) ORTHO-MCNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS;
- (9) JANSSEN PHARMACEUTICA, INC.,
n/k/a JANSSEN PHARMACEUTICALS, INC.;
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC.;
- (11) WATSON LABORATORIES, INC.;
- (12) ACTAVIS LLC; and
- (13) ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,

Defendants.

For Judge Balkman's
Consideration

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }

FILED

APR 16 2019

In the office of the
Court Clerk MARILYN WILLIAMS

**MOTION OF DEFENDANTS WATSON LABORATORIES, INC., ACTAVIS LLC,
ACTAVIS PHARMA, INC., CEPHALON, INC., AND TEVA PHARMACEUTICALS
USA, INC. FOR JUDICIAL NOTICE PURSUANT TO 12 O.S. § 2201**

MOTION

At the April 11, 2019 Hearing on the Generic Manufacturers'¹ Motion for Partial Summary Judgment, the State argued that Oklahoma's public nuisance law does not require an unlawful act or omission. This is contrary to Oklahoma law and, frankly, common sense. Oklahoma law defines a "Nuisance":

¹ Watson Laboratories, Inc., Actavis Pharma, Inc., Actavis LLC, and Teva Pharmaceuticals USA, Inc. (pre-2011).

“A nuisance consists of *unlawfully* doing an act, or omitting to perform a duty, which act or omission . . . [causes the harms specified in §1].”

50 O.S. § 1 (emphasis added). This Court should interpret that provision according to the plain language passed by the Legislature: that a public nuisance can be found *only* where a defendant acted or omitted to perform a duty “unlawfully.” The State’s request that this Court ignore the word “unlawfully” —based on counsel’s interpretation of a century-old North Dakota case and an inapposite case from California—should be soundly rejected.

Accordingly, pursuant to 12 O.S. § 2201, Defendants Watson Laboratories, Inc., Actavis LLC, and Actavis Pharma, Inc. (collectively the “Actavis Generic Defendants”), and Cephalon, Inc. and Teva Pharmaceuticals USA, Inc. (collectively the “Teva Defendants”), move this Court to take judicial notice of 50 O.S. § 1 and its requirement that the State must prove, among other things, an unlawful act by each Defendant to succeed on its public nuisance claim.

BRIEF IN SUPPORT

INTRODUCTION AND BACKGROUND

The statutory command of 12 O.S. 1991 § 2201 obligates this Court to take judicial notice of the common law, constitutions and public statutes. This is not merely a rule of practice which may be relaxed when the public interest demands. The mandatory^lduty to take judicial notice of public statutes may extend to **any stage of a proceeding**. . . . Matters of health care are of special public importance and subject to this Court’s review as matters of *publici juris*.

Petition of Univ. Hosps. Auth., 1997 OK 162, ¶ 3, 953 P.2d 314, 324 (Kauger, C.J. concurring) (footnotes omitted) (emphasis original); *see also Keota Mills & Elevator v. Gamble*, 2010 OK 12, ¶ 9, 243 P.3d 1156, 1158 b (“we cannot ignore applicable, controlling law” (citing 12 O.S. § 2201)).

At the April 11, 2019 hearing, the State misrepresented the requirements of a statutory claim for public nuisance under Oklahoma law. Contrary to the State’s representation, the public nuisance statute in Oklahoma clearly and expressly requires an “unlawful” act or omission.² This Court should take judicial notice of the same, pursuant to the mandate of 12 O.S. § 2201, to avoid a needless and inefficient dispute for purposes of resolving forthcoming summary judgment motions and at trial.³ Failure to take judicial notice constitutes reversible error. *Morgan v. State ex rel. Dep’t of Pub. Safety*, 1993 OK CIV APP 8, 882 P.2d 574, 575 (reversing and remanding to trial court for failure to take requested judicial notice of law).

ARGUMENT AND AUTHORITY

NUISANCE REQUIRES AN UNLAWFUL ACT OR OMISSION

As defined by statute, “[a] nuisance consists in *unlawfully* doing an act, or omitting to perform a duty” 50 O.S. § 1 (emphasis added). The Oklahoma Legislature’s inclusion of the word “unlawful” was not surplusage: “For an act or omission to be a nuisance in Oklahoma, *it must be unlawful.*” *Nuncio v. Rock Knoll Townhome Vill., Inc.*, 2016 OK CIV APP 83, ¶ 8, 389 P.3d 370, 374 (citing 50 O.S. § 1) (emphasis added) (holding that smoking inside private condominium residence was not a violation of any law and therefore did not constitute a public or private nuisance). *Compare Abraham v. Trail Lanes, Inc.*, 2014 OK CIV APP 107, ¶ 13, 352 P.3d

² *Twin Hills Golf & Country Club, Inc. v. Town of Forest Park*, 2005 OK 71, ¶ 6, 123 P.3d 5, 6–7 (“Where the language of a statute is plain and unambiguous, legislative intent and the meaning of the statute will be gleaned from the face of the statute without resort to judicial rules of statutory construction.”); *United Design Corp. v. Oklahoma Tax Comm’n*, 1997 OK 43, ¶ 27, 942 P.2d 725, 730, *as corrected* (June 19, 1997).

³ Taking judicial notice means only that we may dispense with proof of some norm of state and federal law—common, constitutional, or statutory law—of which the court may be advised sans proof. The terms of 12 O.S.1991 § 2201(A) require us to take “judicial notice” of law that is invoked in the adversary process. The terms of § 2201(A) are:

“Judicial notice shall be taken by the court of the common law, constitutions and public statutes in force in every state, territory and jurisdiction of the United States.”

Lewis v. Sac & Fox Tribe of Oklahoma Hous. Auth., 1994 OK 20, 896 P.2d 503, 512 n.60. Moreover, “[j]udicial notice may be taken at any stage of the proceeding.” 12 O.S. § 2203(C).

1256, 1262 (affirming summary judgment on nuisance claim against owner of bowling alley where murder occurred because the plaintiff failed to show the owner “acted unlawfully”) and *Insurance Company of North America v. Sheinbein*, 1971 OK 110, ¶ 6, 488 P.2d 1273, (holding a grass fire which escaped onto a neighbor’s land was not a nuisance under 50 O.S. § 1, because it was not “unlawful” as losing control of the grass fire did not violate the relevant statute) with *Tosco Corp. v. Koch Indus., Inc.*, 216 F.3d 886, 895 (10th Cir. 2000) (finding polluting groundwater to be requisite “unlawful act” because “[t]he pollution of any Oklahoma waters, including groundwater, has been prohibited by state statute since the early 1900s”) and *State ex rel. Field v. Hess*, 1975 OK 123, 540 P.3d 1165, 1169 (finding requisite “unlawful act” where materials sold by adult bookstore were obscene in violation of Oklahoma obscenity statute).

Doing something legal, like manufacturing FDA-approved medicines that were later prescribed in Oklahoma, cannot form the basis of a public nuisance claim under Oklahoma law. Indeed, the State recognized that an “unlawful” act or omission was a required element of its statutory public nuisance claim and pled it in its Petition. See Pet. ¶ 119 (“Defendants’ misrepresentations and omissions regrading opioids constitute ***unlawful acts and/or omissions*** of duties[.]”) (emphasis added). The State changed course, however, in response to the Generic Manufacturers’ Motion for Partial Summary Judgment and argued at the April 11, 2019 hearing that this Court should ignore the Oklahoma Legislature’s inclusion in the public nuisance statute of the word “unlawfully” and, accordingly, that Oklahoma’s nuisance law does not require an unlawful act or omission.⁴ This is not and cannot be the law of Oklahoma.

⁴ To the contrary, a nuisance claim expressly requires “unlawfully doing an act.” 50 O.S. § 1. See also *Cities Serv. Oil Co. v. Merritt*, 1958 OK 185, 332 P.2d 677, 684 (“A nuisance consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either: Annoys, injures or endangers the comfort, repose, health or safety of others; or, in any way renders other persons insecure in life or in the use of property.” (internal quotation marks omitted)).

First, the State reliance on *Winningham v. Rice*, 1955 OK 108, 282 P.2d 742, 744 for this proposition is misplaced. There the Oklahoma Supreme Court affirmed an injunction preventing the defendant from extending salvage operations into an unzoned portion of its property, and storing vehicles for longer 30 days or greater than 25 in number. In doing so, the Court recognized only that a salvage business was “of itself lawful”—not that operating it in that location, and in that manner, was also lawful. *Id.* And, in affirming the lower court’s holding and issuance of the injunction, the Court recognized that operating the salvage yard contrary to the parameters of the injunction was in fact unlawful and thus constituted a nuisance. *Id.* (recognizing injunction “did not prevent defendant from using said area for any *lawful* purpose” (emphasis added); “injunction ordinarily should be limited, not to the business, itself, but to the [unlawful] usage that creates the nuisance, leaving the right to carry on the business in a *proper and lawful manner*” (emphasis added)). Moreover, *Winningham*, the cases it relies on, and subsequent cases following it make clear that public nuisance claims have been limited to interference with the use of real property.⁵

Second, the State’s unprecedented interpretation of nuisance law would obliterate all bounds limiting its reach, thereby violating basic principles of due process. The State alleges that it is the “opioid epidemic in Oklahoma that constitutes a public nuisance.” Pet. ¶ 118. If, under the State’s interpretation, any lawful act or omission contributing to the opioid epidemic leads to nuisance liability, then all manner of individuals would become liable for the alleged nuisance, as the State has defined it. This would include prescribers writing lawful prescriptions, the State’s Drug Utilization Review Board, patients taking medicines as directed, and private and public insurers, among all manner of other lawful actors. Such an expansive reading—seeking to hold

⁵ See *id.* and cited cases; see also *Brock v. Roskamp*, 1962 OK 86, 371 P.2d 465, 468; *Vranesevich v. Pearl Craft*, 2010 OK CIV APP 92, ¶ 10, 241 P.3d 250, 254 “failure [of duty to comply with restrictive covenants] may constitute a nuisance”); *Fin. & Inv. Co. v. UMA, L.L.C.*, 2009 OK CIV APP 105, ¶ 16, 227 P.3d 1082, 1088 (same).

companies (and potentially others) responsible for billions in damages for entirely lawful conduct—would not only violate the clear and express language of the statute, it would transgress constitutional due process principles.

The Court therefore should decline the State’s invitation to ignore the clear direction of the Oklahoma Legislature that an unlawful act or omission is a required element that the State must prove to succeed on its public nuisance claim.

CONCLUSION

Pursuant to 12 O.S. § 2201, this Court should take judicial notice of the statutory and common-law element of nuisance law: the requirement of an unlawful act or omission.

Respectfully Submitted,



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I hereby certify that a true and correct copy of the foregoing was emailed this 16th day of April, 2019, to the following:

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EXHIBIT 4

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.*,
MIKE HUNTER,
ATTORNEY GENERAL OF OKLAHOMA,

Plaintiff,

v.

- (1) PURDUE PHARMA L.P.;
- (2) PURDUE PHARMA, INC.;
- (3) THE PURDUE FREDERICK COMPANY;
- (4) TEVA PHARMACEUTICALS
USA, INC.;
- (5) CEPHALON, INC.;
- (6) JOHNSON & JOHNSON;
- (7) JANSSEN PHARMACEUTICALS, INC.;
- (8) ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
- (9) JANSSEN PHARMACEUTICA, INC.,
n/k/a JANSSEN PHARMACEUTICALS,
INC.;
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC.;
- (11) WATSON LABORATORIES, INC.;
- (12) ACTAVIS LLC; and
- (13) ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,

Defendants.

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

**DEFENDANT TEVA PHARMACEUTICALS USA, INC.'S SECOND SET OF
INTERROGATORIES TO PLAINTIFF**

Pursuant to 12 O.S. § 3233, Defendant Teva Pharmaceuticals USA, Inc. ("Teva") submits the following interrogatories to the Plaintiff State of Oklahoma ("the State" or "You"). You are required to answer each interrogatory separately and fully under oath, and to serve a copy of the answers upon counsel for Teva within 30 days of service of these interrogatories.

INSTRUCTIONS

1. These interrogatories are directed toward all knowledge or information known or available to the State, including knowledge or information in the possession, custody, or control of the State's employees, agents, investigators, consultants, representatives, attorneys (subject to any otherwise applicable privileges), or any other Person or entity within the State's control, or available to it upon reasonable inquiry. Where interrogatories cannot be answered in full, they shall be answered as completely as possible, and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer and of whatever knowledge, information, or belief You possess with respect to each unanswered or incompletely answered interrogatory, including an identification or description of all other sources of more complete or accurate information.

2. Pursuant to 12 O.S. § 3226(E), these interrogatories shall be deemed continuing so as to require amended answers if You obtain information on the basis of which You know that any response made was incorrect when made or, although correct when made, is no longer true.

3. As to every interrogatory which You fail to answer in whole or in part on the ground that the information sought involves a Document or oral communication which You contend to be privileged or otherwise protected from disclosure, state in detail:

- a. the portion of the interrogatory to which the response is claimed to be privileged;
- b. the identification of the Document, as defined below;
- c. the general subject matter of the Document or communication;
- d. the author and all recipients of any Document, and the Persons involved in any oral communication;

- e. the identity of any other Persons having knowledge of the Document or communication involved;
 - f. the nature of the privilege claimed; and
 - g. every fact on which You base the claim of privilege or that the information need not be disclosed.
4. Each interrogatory relates to the Relevant Time Period unless otherwise specified.
 5. Where You have a good faith doubt as to the meaning or intended scope of an interrogatory, and Your sole objection would be to its vagueness, please contact counsel for Teva in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.
 6. If You answer an interrogatory by reference to Documents from which the answer may be derived or ascertained, please: (i) describe the Documents or things to be provided in sufficient detail to permit the location and ascertainment of the answer, including any document production number; (ii) provide any relevant compilations, abstracts, or summaries of the Documents or things in Your possession, custody, or control; (3) state the identity of the file or files in which each such Document or thing is or was found; and (4) produce the Documents or things for inspection and copying.

DEFINITIONS

1. “Claim” is any request for payment or reimbursement.
2. The term “chronic pain” is used herein consistent with the meaning of “non-cancer related pain” or “long term pain” as those terms are used in the Petition, e.g., ¶¶ 3, 22, 51, 67, 122.

3. “Communication(s)” is any unilateral, bilateral, or multilateral assertion, disclosure, statement, conduct, transfer, or exchange of information or opinion, including omissions, however made, whether oral, written, telephonic, photographic, or electronic.

4. “Petition” refers to your Original Petition filed June 30, 2017, and exhibits, as well as any subsequent amendments.

5. “Defendants” are the individual Defendants named in the Petition.

6. “Document(s)” is used in the broadest sense permissible under 12 O.S. § 3234(A)(1), and includes without limitation “writings,” “recordings,” “photographs,” “original[s],” “duplicate[s],” “image[s],” and “record[s],” as those terms are set forth in 12 O.S. § 3001.

7. The term “document(s)” includes all drafts and all copies that differ in any respect from the original; information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations; all other Electronically Stored Information; and the file-folder, labeled-box, or notebook containing the document, as well as any index, table of contents, list, or summaries that serve to organize, identify, or reference the document.

8. “Drug Utilization Review Board” is used herein consistent with its meaning in Section 317:1-3-3.1 of the Oklahoma Administrative Code.

9. “Electronically Stored Information” is used in the broadest sense permissible by the Oklahoma Rules of Civil Procedure and includes without limitation all electronic data (including active data, archival data, backup data, backup tapes, distributed data, electronic mail,

forensic copies, metadata, and residual data) stored in any medium from which information can be obtained.

10. The term “employee” includes all current and former employees, independent contractors, and individuals performing work as temporary employees.

11. “Healthcare Professional(s)” or “HCP(s)” is any Person who prescribes, administers, or dispenses any Relevant Drug or Medication Assisted Treatment to any Person or animal.

12. “Key Opinion Leader(s)” or “KOL(s)” is used herein consistent with its meaning in the Petition, ¶ 58.

13. “Medication Assisted Treatment” is the use of medications with counseling and behavioral therapies to treat substance abuse disorders and prevent Opioid overdose.

14. “Medical Necessity” has the same meaning as defined in Section 317:30-3-1(f) of the Oklahoma Administrative Code.

15. “Oklahoma Agency” or “Oklahoma Agencies” collectively refers to any State entity involved in regulating, monitoring, approving, reimbursing, or prosecuting the prescription, dispensing, purchase, sale, use, or abuse of controlled substances in Oklahoma, including, but not limited to, the Oklahoma Office of the Governor, Oklahoma Legislature, Oklahoma Office of the Attorney General, Oklahoma Department of Corrections, Oklahoma Department of Public Safety, Oklahoma State Department of Health, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Health Care Authority, Oklahoma State Board of Dentistry, Oklahoma State Board of Medical Licensure and Supervision, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy, Oklahoma

State Board of Veterinary Medical Examiners, Oklahoma Workers' Compensation Commission, Office of the Medical Examiner of the State of Oklahoma, and their respective predecessors, supervisory and subordinate organizations, and current or former employees.

16. "Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a Patient's brain or body to produce an analgesic effect.

17. "Patient(s)" is any human being to whom an Opioid is prescribed or dispensed.

18. "Person(s)" is any natural or legal person.

19. "Program(s)" is every program administered by an Oklahoma Agency that reviews, authorizes, and determines the conditions for payment or reimbursement for Opioids, including, but not limited to, the Oklahoma Medicaid Program, as administered by the Oklahoma Health Care Authority, and the Oklahoma Workers Compensation Commission.

20. "Relevant Time Period" means January 1, 1999 to the present, or such other time period as the parties may later agree or the Court determines should apply to each side's discovery requests in this action.

21. "Relevant Medication(s)" includes any and all drugs, branded or generic, consisting of natural or synthetic chemicals that bind to Opioid receptors in a Patient's brain or body to produce an analgesic effect, whether or not listed in the Petition, including, but not limited to, codeine, fentanyl, hydrocodone, hydromorphone, methadone, morphine, oxycodone, oxymorphone, tapentadol, and tramadol.

22. "Vendor" means any third-party claims administrator, pharmacy benefit manager, HCP, or Person involved in overseeing, administering, or monitoring any Program.

23. “Third-Party Group(s)” is used herein consistent with its meaning in the Petition, including any “seemingly unaffiliated and impartial organizations to promote opioid use.” Petition, ¶¶ 58, 63, 72.

24. “You,” “Your,” “State,” “Oklahoma,” and “Plaintiff” refer to the sovereign State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other Persons or entities acting on the State’s behalf.

25. The words “and” and “or” shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

26. “Any” includes “all” and vice versa.

27. “Each” includes “every” and vice versa.

28. The term “including” shall be construed to mean “including but not limited to.”

29. The singular of each word includes its plural and vice versa.

INTERROGATORIES

5. Identify all Opioids manufactured by Teva and prescribed in Oklahoma that You claim were “unnecessary” or “excessive,” including, but not limited to, the date of the prescription, the amount of the prescription, the cost of the prescription, and the amount of that cost paid for or reimbursed by You.

6. For each prescription You identified as “unnecessary or excessive” in response to Interrogatory No. 5, describe Your basis for alleging that it was “unnecessary or excessive.”

7. For each prescription You identified as “unnecessary or excessive” in response to Interrogatory No. 5, identify the name and address of the HCP who issued the prescription, the name and address of the Patient to whom the prescription was issued, the diagnosis of the Patient receiving the prescription, and the name of the Oklahoma Agency employee(s) who approved Your payment or reimbursement of each such prescription.

8. For each HCP You identified in response to Interrogatory No. 7, identify each misrepresentation to that HCP that caused the HCP to prescribe an “unnecessary or excessive” prescription You identified in response to Interrogatory No. 5, including the date the HCP received that misrepresentation and the means by which that misrepresentation was communicated to that HCP.

9. For each Oklahoma Agency employee You identified in response to Interrogatory No. 7, identify each misrepresentation that caused that employee to approve the payment for or reimbursement of each “unnecessary or excessive” prescription You identified in response to Interrogatory No. 5, including the date the employee received that misrepresentation and the means by which that misrepresentation was communicated to that employee.

10. Identify each instance in which You or any other entity that provides or administers benefits for Your Programs denied payment or reimbursement for a prescription of an Opioid manufactured by Teva as “unnecessary or excessive,” and describe the details of the denial, including the date, claim number, the name and address of the HCP, the name and address of the Patient, the reason(s) given for the denial, and associated records or other documentation.

11. Identify the prescriptions of Opioids manufactured by Teva that were issued to Oklahoma Patients as a result of Teva’s allegedly false representations about the risks and benefits of Opioids and/or omission of information, as alleged in paragraph 53 of the Petition, including the date of each prescription, the identity of the HCP who wrote the prescription, the misrepresentation by Teva that caused that HCP to write the prescription, the name and address of the Patient who received the prescription, the diagnosis of the Patient receiving the

prescription, the amount of the prescription, and any harm to the Patient that allegedly resulted from the prescription.

12. Identify and describe all disciplinary proceedings, civil actions, or criminal charges brought or initiated by an Oklahoma Agency related to the opioid prescribing practices of any HCP identified in your responses to these interrogatories.

13. For each disciplinary proceeding, civil action, or criminal charge identified by You in response to Interrogatory No. 12, identify the Oklahoma Agency employee(s) responsible for conducting and supervising the investigation that preceded each disciplinary proceeding, civil action, or criminal charge.

14. State whether You have received any complaints regarding the Opioid prescribing practices of any HCP identified in your responses to these interrogatories, and identify the HCP(s) against whom the complaints were made, the Oklahoma Agency that received the complaint, the Oklahoma Agency employee who was responsible for investigating the complaint, the date of the complaint, and the name and address of the person making the complaint, and describe the substance of the complaint.

15. State whether any Oklahoma Agency initiated any investigation concerning the Opioid prescribing practices of any HCP identified in your responses to these interrogatories that did not result in disciplinary proceedings, civil actions, or criminal charges against that HCP, and identify the Oklahoma Agency, the HCP(s) investigated and the dates of the investigation(s), and describe the findings and conclusions of each investigation.

16. For each investigation identified by You in response to Interrogatory No. 15, identify the Oklahoma Agency employee(s) responsible for conducting and supervising the investigation.

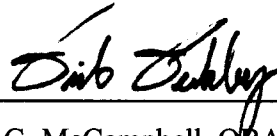
17. Identify each “misrepresentation” or “omission” by Teva regarding Opioids, as alleged in paragraph 118 of the Petition, each “condition” “created” by each identified misrepresentation and omission, *id.*, and identify each individual “communit[y], neighborhood[,],” and “person[,],” *id.*, affected by the misrepresentations and omissions You identified.

18. Describe any injunctive relief that You are seeking to abate the “public nuisance,” Petition, Prayer ¶ K, including all Teva conduct You seek to prohibit to abate the “public nuisance” and all conduct You seek to compel from Teva to abate the “public nuisance.”

19. Identify all money recovered or planned to be recovered to abate the “public nuisance,” Petition, Prayer ¶ K, alleged in Your Petition from any source derived, including but not limited to settlements with and/or judgments against manufacturers, distributors, pharmacies, pharmacy benefit management companies, insurance companies, third-party payers, illegal drug dealers, illegal pill mills, and/or physicians. In responding to this interrogatory, identify each source of funds recovered and the amount recovered from each source.

20. For all money recovered or planned to be recovered that You identified in response to Interrogatory No. 19, describe how those funds were or are planned to be expended. To the extent any portion of the money recovered or planned to be recovered is not being used to abate the “public nuisance,” Petition, Prayer ¶ K, identify the amount of funds that is not being utilized to abate the nuisance and the reasons those funds were not allocated to address abatement.

Dated: August 8, 2018



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Watson Pharma, Inc.*

CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing was emailed this 8th day of August

2018, to:

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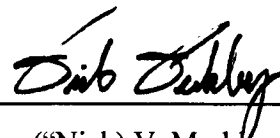
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Nicholas ("Nick") V. Merkley

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.,
MIKE HUNTER,
ATTORNEY GENERAL OF OKLAHOMA,

Plaintiff,

v.

- (1) PURDUE PHARMA L.P.;
- (2) PURDUE PHARMA, INC.;
- (3) THE PURDUE FREDERICK COMPANY;
- (4) TEVA PHARMACEUTICALS
USA, INC.;
- (5) CEPHALON, INC.;
- (6) JOHNSON & JOHNSON;
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PHARMACEUTICALS, INC.;
- (11) WATSON LABORATORIES, INC.;
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- (13) ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,

Defendants.

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

**DEFENDANT CEPHALON, INC.'S SECOND SET OF
INTERROGATORIES TO PLAINTIFF**

Pursuant to 12 O.S. § 3233, Defendant Cephalon, Inc. ("Cephalon") submits the following interrogatories to the Plaintiff State of Oklahoma ("the State" or "You"). You are required to answer each interrogatory separately and fully under oath, and to serve a copy of the answers upon counsel for Cephalon within 30 days of service of these interrogatories.

INSTRUCTIONS

1. These interrogatories are directed toward all knowledge or information known or available to the State, including knowledge or information in the possession, custody, or control of the State's employees, agents, investigators, consultants, representatives, attorneys (subject to any otherwise applicable privileges), or any other person or entity within the State's control, or available to it upon reasonable inquiry. Where interrogatories cannot be answered in full, they shall be answered as completely as possible, and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer and of whatever knowledge, information, or belief You possess with respect to each unanswered or incompletely answered interrogatory, including an identification or description of all other sources of more complete or accurate information.

2. Pursuant to 12 O.S. § 3226(E), these interrogatories shall be deemed continuing so as to require amended answers if You obtain information on the basis of which You know that any response made was incorrect when made or, although correct when made, is no longer true.

3. As to every interrogatory which You fail to answer in whole or in part on the ground that the information sought involves a document or oral communication which You contend to be privileged or otherwise protected from disclosure, state in detail:

- a. the portion of the interrogatory to which the response is claimed to be privileged;
- b. the identification of the document, as defined below;
- c. the general subject matter of the document or communication;
- d. the author and all recipients of any document, and the persons involved in any oral communication;

- e. the identity of any other persons having knowledge of the document or communication involved;
 - f. the nature of the privilege claimed; and
 - g. every fact on which You base the claim of privilege or that the information need not be disclosed.
4. Each Interrogatory relates to the Relevant Time Period unless otherwise specified.
 5. Where You have a good faith doubt as to the meaning or intended scope of an interrogatory, and Your sole objection would be to its vagueness, please contact counsel for Cephalon in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.
 6. If You answer an Interrogatory by reference to Documents from which the answer may be derived or ascertained, please: (i) describe the Documents or things to be provided in sufficient detail to permit the location and ascertainment of the answer, including any document production number; (ii) provide any relevant compilations, abstracts, or summaries of the Documents or things in Your possession, custody, or control; (3) state the identity of the file or files in which each such Document or thing is or was found; and (4) produce the Documents or things for inspection and copying.

DEFINITIONS

1. “Claim” is any request for payment or reimbursement.
2. The term “chronic pain” is used herein consistent with the meaning of “non-cancer related pain” or “long term pain” as those terms are used in the Petition, e.g., ¶¶3, 22, 51, 67, 122.

3. “Communication(s)” is any unilateral, bilateral, or multilateral assertion, disclosure, statement, conduct, transfer, or exchange of information or opinion, including omissions, however made, whether oral, written, telephonic, photographic, or electronic.

4. “Petition” refers to your Original Petition filed June 30, 2017, and exhibits, as well as any subsequent amendments.

5. “Defendants” are the individual Defendants named in the Petition.

6. “Document(s)” is used in the broadest sense permissible under 12 O.S. § 3234(A)(1), and includes without limitation “writings,” “recordings,” “photographs,” “original[s],” “duplicate[s],” “image[s],” and “record[s],” as those terms are set forth in 12 O.S. § 3001.

7. The term “document(s)” includes all drafts and all copies that differ in any respect from the original; information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations; all other Electronically Stored Information; and the file-folder, labeled-box, or notebook containing the document, as well as any index, table of contents, list, or summaries that serve to organize, identify, or reference the document.

8. “Drug Utilization Review Board” is used herein consistent with its meaning in Section 317:1-3-3.1 of the Oklahoma Administrative Code.

9. “Electronically Stored Information” is used in the broadest sense permissible by the Oklahoma Rules of Civil Procedure and includes without limitation all electronic data (including active data, archival data, backup data, backup tapes, distributed data, electronic mail,

forensic copies, metadata, and residual data) stored in any medium from which information can be obtained.

10. The term “employee” includes all current and former employees, independent contractors, and individuals performing work as temporary employees.

11. “Healthcare Professional(s)” or “HCP(s)” is any person who prescribes, administers, or dispenses any Relevant Drug or Medication Assisted Treatment to any person or animal.

12. “Key Opinion Leader(s)” or “KOL(s)” is used herein consistent with its meaning in the Petition, ¶58.

13. “Medication Assisted Treatment” is the use of medications with counseling and behavioral therapies to treat substance abuse disorders and prevent Opioid overdose.

14. “Medical Necessity” has the same meaning as defined in Section 317:30-3-1(f) of the Oklahoma Administrative Code.

15. “Oklahoma Agency” or “Oklahoma Agencies” collectively refers to any State entity involved in regulating, monitoring, approving, reimbursing, or prosecuting the prescription, dispensing, purchase, sale, use, or abuse of controlled substances in Oklahoma, including, but not limited to, the Oklahoma Office of the Governor, Oklahoma Legislature, Oklahoma Office of the Attorney General, Oklahoma Department of Corrections, Oklahoma Department of Public Safety, Oklahoma State Department of Health, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Health Care Authority, Oklahoma State Board of Dentistry, Oklahoma State Board of Medical Licensure and Supervision, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy, Oklahoma

State Board of Veterinary Medical Examiners, Oklahoma Workers' Compensation Commission, Office of the Medical Examiner of the State of Oklahoma, and their respective predecessors, supervisory and subordinate organizations, and current or former employees.

16. "Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a patient's brain or body to produce an analgesic effect.

17. "Patient(s)" is any human being to whom an Opioid is prescribed or dispensed.

18. "Person(s)" is any natural or legal person.

19. "Program(s)" is every program administered by an Oklahoma Agency that reviews, authorizes, and determines the conditions for payment or reimbursement for Opioids, including, but not limited to, the Oklahoma Medicaid Program, as administered by the Oklahoma Health Care Authority, and the Oklahoma Workers Compensation Commission.

20. "Relevant Time Period" means January 1, 2007 to the present, or such other time period as the parties may later agree or the Court determines should apply to each side's discovery requests in this action.

21. "Relevant Medication(s)" includes any and all drugs, branded or generic, consisting of natural or synthetic chemicals that bind to opioid receptors in a Patient's brain or body to produce an analgesic effect, whether or not listed in the Petition, including, but not limited to, codeine, fentanyl, hydrocodone, hydromorphone, methadone, morphine, oxycodone, oxymorphone, tapentadol, and tramadol.

22. "Vendor" means any third-party claims administrator, pharmacy benefit manager, HCP, or person involved in overseeing, administering, or monitoring any Program.

23. “Third-Party Group(s)” is used herein consistent with its meaning in the Petition, including any “seemingly unaffiliated and impartial organizations to promote opioid use.” Petition, ¶¶58, 63, 72.

24. “You,” “Your,” “State,” “Oklahoma,” and “Plaintiff” refer to the sovereign State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other persons or entities acting on the State’s behalf.

25. The words “and” and “or” shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

26. “Any” includes “all” and vice versa.

27. “Each” includes “every” and vice versa.

28. The term “including” shall be construed to mean “including but not limited to.”

29. The singular of each word includes its plural and vice versa.

INTERROGATORIES

1. For the 245 prescriptions identified in paragraph 37 and Exhibit 3 of the Petition, identify which of those prescriptions were “unnecessary” or “excessive” as alleged in paragraph 34 of the Petition, including, but not limited to, the date of the prescription, the amount of the prescription, the cost of the prescription, and the amount of that cost paid for or reimbursed by You.

2. For each prescription You identified as “unnecessary or excessive” in response to Interrogatory No. 1, describe Your basis for alleging that it was “unnecessary or excessive.”

3. For each prescription You identified as “unnecessary or excessive” in response to Interrogatory No. 1, identify the name and address of the HCP who issued the prescription, the name and address of the patient to whom the prescription was issued, the diagnosis of the patient

receiving the prescription, and the name of the Oklahoma Agency employee(s) who approved Your payment or reimbursement of each such prescription.

4. For each HCP You identified in response to Interrogatory No. 3, identify each misrepresentation to that HCP that caused the HCP to prescribe an “unnecessary or excessive” prescription You identified in response to Interrogatory No. 1, including the date the HCP received that misrepresentation and the means by which that misrepresentation was communicated to that HCP.

5. For each Oklahoma Agency employee You identified in response to Interrogatory No. 3, identify each misrepresentation that caused that employee to approve the payment for or reimbursement of each “unnecessary or excessive” prescription You identified in response to Interrogatory No. 1, including the date the employee received that misrepresentation and the means by which that misrepresentation was communicated to that employee.

6. Identify each instance in which You or any other entity that provides or administers benefits for Your Programs denied payment or reimbursement for a prescription of a Actiq or Fentora as “unnecessary or excessive,” and describe the details of the denial, including the date, claim number, the identify the name and address of the HCP, identify the name and address of the patient, the reason(s) given for the denial, and associated records or other documentation.

7. Identify the prescriptions of Actiq or Fentora that were issued to Oklahoma patients as a result of Cephalon’s sales force misrepresenting “Actiq and Fentora as being appropriate for non-cancer pain and non-opioid-tolerant individuals, despite their labels’ contrary warnings,” as alleged in paragraph 53 of the Petition, including the date of each prescription, the identity of the HCP who wrote the prescription, the misrepresentation by Cephalon that caused

that HCP to write the prescription, the name and address of the patient who received the prescription, the diagnosis of the patient receiving the prescription, the amount of the prescription, and any harm to the patient that allegedly resulted from the prescription.

8. Describe in detail Cephalon's "other marketing" misrepresenting "Actiq and Fentora as being appropriate for non-cancer pain and non-opioid-tolerant individuals, despite their labels' contrary warnings," as alleged in paragraph 53 of the Petition, and identify the prescriptions of Actiq and Fentora that were issued to Oklahoma patients as a result of that "other marketing," including the date of each prescription, the identity of the HCP who wrote the prescription, the "other marketing" that caused that HCP to write the prescription, the name and address of the patient who received the prescription, the diagnosis of the patient receiving the prescription, the amount of the prescription, and any harm to the patient that allegedly resulted from the prescription.

9. Identify all opioid prescriptions that you contend were caused to be written as a result of the 2007 "APF treatment guide" alleged in paragraph 64 of the Petition, and for each such prescription identify the HCP who wrote the prescription, the name and address of the patient who received the prescription, the diagnosis of the patient receiving the prescription, the amount of the prescription, and any harm to the patient that allegedly resulted from the prescription.

10. Identify and describe all disciplinary proceedings, civil actions, or criminal charges brought or initiated by an Oklahoma Agency related to the opioid prescribing practices of any HCP identified in your responses to these Interrogatories.

11. For each disciplinary proceeding, civil action, or criminal charge identified by You in response to Interrogatory No. 10, identify the Oklahoma Agency employee(s) responsible

for conducting and supervising the investigation that preceded each disciplinary proceeding, civil action, or criminal charge.

12. State whether You have received any complaints regarding the opioid prescribing practices of any HCP identified in your responses to these Interrogatories, and identify the HCP(s) against whom the complaints were made, the Oklahoma Agency that received the complaint, the Oklahoma Agency employee who was responsible for investigating the complaint, the date of the complaint, and the name and address of the person making the complaint, and describe the substance of the complaint.

13. State whether any Oklahoma Agency initiated any investigation concerning the opioid prescribing practices of any HCP identified in your responses to these Interrogatories that did not result in disciplinary proceedings, civil actions, or criminal charges against that HCP, and identify the Oklahoma Agency, the HCP(s) investigated and the dates of the investigation(s), and describe the findings and conclusions of each investigation.

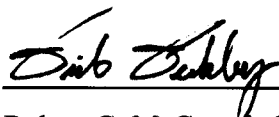
14. For each investigation identified by You in response to Interrogatory No. 13, identify the Oklahoma Agency employee(s) responsible for conducting and supervising the investigation.

15. Identify each “misrepresentation” or “omission” by Cephalon regarding opioids, as alleged in paragraph 118 of the Petition, each “condition” “created” by each identified misrepresentation and omission, *id.*, and identify each individual “communit[y], neighborhood[,]” and “person[,]” *id.*, affected by the misrepresentations and omissions You identified.

16. Described any injunctive relief that You are seeking to abate the “public nuisance,” Petition, Prayer ¶ K, including all Cephalon conduct You seek to prohibit to abate the

“public nuisance” and all conduct You seek to compel from Cephalon to abate the “public nuisance.”

Dated: April 17, 2018



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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of April 2018, I caused a true and correct copy of the following:

DEFENDANT CEPHALON, INC.'S SECOND SET OF INTERROGATORIES TO PLAINTIFF

to be served upon the counsel of record listed on the attached Service List via email.

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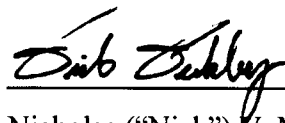
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Nicholas ("Nick") V. Merkley

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.*,
MIKE HUNTER,
ATTORNEY GENERAL OF OKLAHOMA,

Plaintiff,

v.

- (1) PURDUE PHARMA L.P.;
- (2) PURDUE PHARMA, INC.;
- (3) THE PURDUE FREDERICK COMPANY;
- (4) TEVA PHARMACEUTICALS
USA, INC.;
- (5) CEPHALON, INC.;
- (6) JOHNSON & JOHNSON;
- (7) JANSSEN PHARMACEUTICALS, INC.;
- (8) ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
- (9) JANSSEN PHARMACEUTICA, INC.,
n/k/a JANSSEN PHARMACEUTICALS,
INC.;
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC.;
- (11) WATSON LABORATORIES, INC.;
- (12) ACTAVIS LLC; and
- (13) ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,

Defendants.

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

**DEFENDANT ACTAVIS LLC'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF**

Pursuant to 12 O.S. § 3233, Defendant Actavis LLC (“Actavis LLC”) submits the following interrogatories to the Plaintiff State of Oklahoma (“the State” or “You”). You are required to answer each interrogatory separately and fully under oath, and to serve a copy of the answers upon counsel for Actavis LLC within 30 days of service of these interrogatories.

INSTRUCTIONS

1. These interrogatories are directed toward all knowledge or information known or available to the State, including knowledge or information in the possession, custody, or control of the State's employees, agents, investigators, consultants, representatives, attorneys (subject to any otherwise applicable privileges), or any other Person or entity within the State's control, or available to it upon reasonable inquiry. Where interrogatories cannot be answered in full, they shall be answered as completely as possible, and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer and of whatever knowledge, information, or belief You possess with respect to each unanswered or incompletely answered interrogatory, including an identification or description of all other sources of more complete or accurate information.

2. Pursuant to 12 O.S. § 3226(E), these interrogatories shall be deemed continuing so as to require amended answers if You obtain information on the basis of which You know that any response made was incorrect when made or, although correct when made, is no longer true.

3. As to every interrogatory which You fail to answer in whole or in part on the ground that the information sought involves a Document or oral communication which You contend to be privileged or otherwise protected from disclosure, state in detail:

- a. the portion of the interrogatory to which the response is claimed to be privileged;
- b. the identification of the Document, as defined below;
- c. the general subject matter of the Document or communication;
- d. the author and all recipients of any Document, and the Persons involved in any oral communication;

- e. the identity of any other Persons having knowledge of the Document or communication involved;
 - f. the nature of the privilege claimed; and
 - g. every fact on which You base the claim of privilege or that the information need not be disclosed.
4. Each interrogatory relates to the Relevant Time Period unless otherwise specified.
 5. Where You have a good faith doubt as to the meaning or intended scope of an interrogatory, and Your sole objection would be to its vagueness, please contact counsel for Actavis LLC in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.
 6. If You answer an interrogatory by reference to Documents from which the answer may be derived or ascertained, please: (i) describe the Documents or things to be provided in sufficient detail to permit the location and ascertainment of the answer, including any document production number; (ii) provide any relevant compilations, abstracts, or summaries of the Documents or things in Your possession, custody, or control; (3) state the identity of the file or files in which each such Document or thing is or was found; and (4) produce the Documents or things for inspection and copying.

DEFINITIONS

1. “Claim” is any request for payment or reimbursement.
2. The term “chronic pain” is used herein consistent with the meaning of “non-cancer related pain” or “long term pain” as those terms are used in the Petition, e.g., ¶¶ 3, 22, 51, 67, 122.

3. “Communication(s)” is any unilateral, bilateral, or multilateral assertion, disclosure, statement, conduct, transfer, or exchange of information or opinion, including omissions, however made, whether oral, written, telephonic, photographic, or electronic.

4. “Petition” refers to your Original Petition filed June 30, 2017, and exhibits, as well as any subsequent amendments.

5. “Defendants” are the individual Defendants named in the Petition.

6. “Document(s)” is used in the broadest sense permissible under 12 O.S. § 3234(A)(1), and includes without limitation “writings,” “recordings,” “photographs,” “original[s],” “duplicate[s],” “image[s],” and “record[s],” as those terms are set forth in 12 O.S. § 3001.

7. The term “document(s)” includes all drafts and all copies that differ in any respect from the original; information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations; all other Electronically Stored Information; and the file-folder, labeled-box, or notebook containing the document, as well as any index, table of contents, list, or summaries that serve to organize, identify, or reference the document.

8. “Drug Utilization Review Board” is used herein consistent with its meaning in Section 317:1-3-3.1 of the Oklahoma Administrative Code.

9. “Electronically Stored Information” is used in the broadest sense permissible by the Oklahoma Rules of Civil Procedure and includes without limitation all electronic data (including active data, archival data, backup data, backup tapes, distributed data, electronic mail,

forensic copies, metadata, and residual data) stored in any medium from which information can be obtained.

10. The term “employee” includes all current and former employees, independent contractors, and individuals performing work as temporary employees.

11. “Healthcare Professional(s)” or “HCP(s)” is any Person who prescribes, administers, or dispenses any Relevant Drug or Medication Assisted Treatment to any Person or animal.

12. “Key Opinion Leader(s)” or “KOL(s)” is used herein consistent with its meaning in the Petition, ¶ 58.

13. “Medication Assisted Treatment” is the use of medications with counseling and behavioral therapies to treat substance abuse disorders and prevent Opioid overdose.

14. “Medical Necessity” has the same meaning as defined in Section 317:30-3-1(f) of the Oklahoma Administrative Code.

15. “Oklahoma Agency” or “Oklahoma Agencies” collectively refers to any State entity involved in regulating, monitoring, approving, reimbursing, or prosecuting the prescription, dispensing, purchase, sale, use, or abuse of controlled substances in Oklahoma, including, but not limited to, the Oklahoma Office of the Governor, Oklahoma Legislature, Oklahoma Office of the Attorney General, Oklahoma Department of Corrections, Oklahoma Department of Public Safety, Oklahoma State Department of Health, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Health Care Authority, Oklahoma State Board of Dentistry, Oklahoma State Board of Medical Licensure and Supervision, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy, Oklahoma

State Board of Veterinary Medical Examiners, Oklahoma Workers' Compensation Commission, Office of the Medical Examiner of the State of Oklahoma, and their respective predecessors, supervisory and subordinate organizations, and current or former employees.

16. "Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a Patient's brain or body to produce an analgesic effect.

17. "Patient(s)" is any human being to whom an Opioid is prescribed or dispensed.

18. "Person(s)" is any natural or legal person.

19. "Program(s)" is every program administered by an Oklahoma Agency that reviews, authorizes, and determines the conditions for payment or reimbursement for Opioids, including, but not limited to, the Oklahoma Medicaid Program, as administered by the Oklahoma Health Care Authority, and the Oklahoma Workers Compensation Commission.

20. "Relevant Time Period" means January 1, 1999 to the present, or such other time period as the parties may later agree or the Court determines should apply to each side's discovery requests in this action.

21. "Relevant Medication(s)" includes any and all drugs, branded or generic, consisting of natural or synthetic chemicals that bind to Opioid receptors in a Patient's brain or body to produce an analgesic effect, whether or not listed in the Petition, including, but not limited to, codeine, fentanyl, hydrocodone, hydromorphone, methadone, morphine, oxycodone, oxymorphone, tapentadol, and tramadol.

22. "Vendor" means any third-party claims administrator, pharmacy benefit manager, HCP, or Person involved in overseeing, administering, or monitoring any Program.

23. "Third-Party Group(s)" is used herein consistent with its meaning in the Petition, including any "seemingly unaffiliated and impartial organizations to promote opioid use." Petition, ¶¶ 58, 63, 72.

24. "You," "Your," "State," "Oklahoma," and "Plaintiff" refer to the sovereign State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other Persons or entities acting on the State's behalf.

25. The words "and" and "or" shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

26. "Any" includes "all" and vice versa.

27. "Each" includes "every" and vice versa.

28. The term "including" shall be construed to mean "including but not limited to."

29. The singular of each word includes its plural and vice versa.

INTERROGATORIES

1. Identify all Opioids manufactured by Actavis LLC and prescribed in Oklahoma that You claim were "unnecessary" or "excessive," including, but not limited to, the date of the prescription, the amount of the prescription, the cost of the prescription, and the amount of that cost paid for or reimbursed by You.

2. For each prescription You identified as "unnecessary or excessive" in response to Interrogatory No. 1, describe Your basis for alleging that it was "unnecessary or excessive."

3. For each prescription You identified as "unnecessary or excessive" in response to Interrogatory No. 1, identify the name and address of the HCP who issued the prescription, the name and address of the Patient to whom the prescription was issued, the diagnosis of the Patient receiving the prescription, and the name of the Oklahoma Agency employee(s) who approved Your payment or reimbursement of each such prescription.

4. For each HCP You identified in response to Interrogatory No. 3, identify each misrepresentation to that HCP that caused the HCP to prescribe an “unnecessary or excessive” prescription You identified in response to Interrogatory No. 1, including the date the HCP received that misrepresentation and the means by which that misrepresentation was communicated to that HCP.

5. For each Oklahoma Agency employee You identified in response to Interrogatory No. 3, identify each misrepresentation that caused that employee to approve the payment for or reimbursement of each “unnecessary or excessive” prescription You identified in response to Interrogatory No. 1, including the date the employee received that misrepresentation and the means by which that misrepresentation was communicated to that employee.

6. Identify each instance in which You or any other entity that provides or administers benefits for Your Programs denied payment or reimbursement for a prescription of an Opioid manufactured by Actavis LLC as “unnecessary or excessive,” and describe the details of the denial, including the date, claim number, the name and address of the HCP, the name and address of the Patient, the reason(s) given for the denial, and associated records or other documentation.

7. Identify the prescriptions of Opioids manufactured by Actavis LLC that were issued to Oklahoma Patients as a result of Actavis LLC’s allegedly false representations about the risks and benefits of Opioids and/or omission of information, as alleged in paragraph 53 of the Petition, including the date of each prescription, the identity of the HCP who wrote the prescription, the misrepresentation by Actavis LLC that caused that HCP to write the prescription, the name and address of the Patient who received the prescription, the diagnosis of

the Patient receiving the prescription, the amount of the prescription, and any harm to the Patient that allegedly resulted from the prescription.

8. Identify and describe all disciplinary proceedings, civil actions, or criminal charges brought or initiated by an Oklahoma Agency related to the Opioid prescribing practices of any HCP identified in your responses to these interrogatories.

9. For each disciplinary proceeding, civil action, or criminal charge identified by You in response to Interrogatory No. 8, identify the Oklahoma Agency employee(s) responsible for conducting and supervising the investigation that preceded each disciplinary proceeding, civil action, or criminal charge.

10. State whether You have received any complaints regarding the Opioid prescribing practices of any HCP identified in your responses to these interrogatories, and identify the HCP(s) against whom the complaints were made, the Oklahoma Agency that received the complaint, the Oklahoma Agency employee who was responsible for investigating the complaint, the date of the complaint, and the name and address of the Person making the complaint, and describe the substance of the complaint.

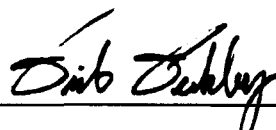
11. State whether any Oklahoma Agency initiated any investigation concerning the Opioid prescribing practices of any HCP identified in your responses to these interrogatories that did not result in disciplinary proceedings, civil actions, or criminal charges against that HCP, and identify the Oklahoma Agency, the HCP(s) investigated and the dates of the investigation(s), and describe the findings and conclusions of each investigation.

12. For each investigation identified by You in response to Interrogatory No. 11, identify the Oklahoma Agency employee(s) responsible for conducting and supervising the investigation.

13. Identify each “misrepresentation” or “omission” by Actavis LLC regarding Opioids, as alleged in paragraph 118 of the Petition, each “condition” “created” by each identified misrepresentation and omission, *id.*, and identify each individual “communit[y], neighborhood[,]” and “person[,]” *id.*, affected by the misrepresentations and omissions You identified.

14. Describe any injunctive relief that You are seeking to abate the “public nuisance,” Petition, Prayer ¶ K, including all Actavis LLC conduct You seek to prohibit to abate the “public nuisance” and all conduct You seek to compel from Actavis LLC to abate the “public nuisance.”

Dated: August 8, 2018



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CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing was emailed this 8th day of August

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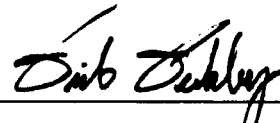
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Inc., N/K/A
Janssen
Pharmaceuticals,
Inc., and Ortho-
McNeil-Janssen
Pharmaceuticals,
Inc. N/K/A Janssen
Pharmaceuticals,
Inc.*

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Nicholas ("Nick") V. Merkley

**IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.*,
MIKE HUNTER,
ATTORNEY GENERAL OF OKLAHOMA,

Plaintiff,

v.

- (1) PURDUE PHARMA L.P.;
- (2) PURDUE PHARMA, INC.;
- (3) THE PURDUE FREDERICK COMPANY;
- (4) TEVA PHARMACEUTICALS
USA, INC.;
- (5) CEPHALON, INC.;
- (6) JOHNSON & JOHNSON;
- (7) JANSSEN PHARMACEUTICALS, INC.;
- (8) ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
JANSSEN PHARMACEUTICALS, INC.;
- (9) JANSSEN PHARMACEUTICA, INC.,
n/k/a JANSSEN PHARMACEUTICALS,
INC.;
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC.;
- (11) WATSON LABORATORIES, INC.;
- (12) ACTAVIS LLC; and
- (13) ACTAVIS PHARMA, INC.,
f/k/a WATSON PHARMA, INC.,

Defendants.

Case No. CJ-2017-816
Honorable Thad Balkman

William C. Hetherington
Special Discovery Master

**DEFENDANT ACTAVIS PHARMA, INC.'S FIRST SET OF
INTERROGATORIES TO PLAINTIFF**

Pursuant to 12 O.S. § 3233, Defendant Actavis Pharma, Inc. f/k/a Watson Pharma, Inc. (“Actavis Pharma, Inc.”) submits the following interrogatories to the Plaintiff State of Oklahoma (“the State” or “You”). You are required to answer each interrogatory separately and fully under oath, and to serve a copy of the answers upon counsel for Actavis Pharma, Inc. within 30 days of service of these interrogatories.

INSTRUCTIONS

1. These interrogatories are directed toward all knowledge or information known or available to the State, including knowledge or information in the possession, custody, or control of the State's employees, agents, investigators, consultants, representatives, attorneys (subject to any otherwise applicable privileges), or any other Person or entity within the State's control, or available to it upon reasonable inquiry. Where interrogatories cannot be answered in full, they shall be answered as completely as possible, and incomplete answers shall be accompanied by a specification of the reasons for the incompleteness of the answer and of whatever knowledge, information, or belief You possess with respect to each unanswered or incompletely answered interrogatory, including an identification or description of all other sources of more complete or accurate information.

2. Pursuant to 12 O.S. § 3226(E), these interrogatories shall be deemed continuing so as to require amended answers if You obtain information on the basis of which You know that any response made was *incorrect when made or, although correct when made, is no longer true.*

3. As to every interrogatory which You fail to answer in whole or in part on the ground that the information sought involves a Document or oral communication which You contend to be privileged or otherwise protected from disclosure, state in detail:

- a. the portion of the interrogatory to which the response is claimed to be privileged;
- b. the identification of the Document, as defined below;
- c. the general subject matter of the Document or communication;
- d. the author and all recipients of any Document, and the Persons involved in any oral communication;

- e. the identity of any other Persons having knowledge of the Document or communication involved;
 - f. the nature of the privilege claimed; and
 - g. every fact on which You base the claim of privilege or that the information need not be disclosed.
4. Each interrogatory relates to the Relevant Time Period unless otherwise specified.
 5. Where You have a good faith doubt as to the meaning or intended scope of an interrogatory, and Your sole objection would be to its vagueness, please contact counsel for Actavis Pharma, Inc. in advance of asserting an unnecessary objection. The undersigned counsel will provide additional clarification or explanation as needed.
 6. If You answer an interrogatory by reference to Documents from which the answer may be derived or ascertained, please: (i) describe the Documents or things to be provided in sufficient detail to permit the location and ascertainment of the answer, including any document production number; (ii) provide any relevant compilations, abstracts, or summaries of the Documents or things in Your possession, custody, or control; (3) state the identity of the file or files in which each such Document or thing is or was found; and (4) produce the Documents or things for inspection and copying.

DEFINITIONS

1. “Claim” is any request for payment or reimbursement.
2. The term “chronic pain” is used herein consistent with the meaning of “non-cancer related pain” or “long term pain” as those terms are used in the Petition, e.g., ¶¶ 3, 22, 51, 67, 122.

3. “Communication(s)” is any unilateral, bilateral, or multilateral assertion, disclosure, statement, conduct, transfer, or exchange of information or opinion, including omissions, however made, whether oral, written, telephonic, photographic, or electronic.

4. “Petition” refers to your Original Petition filed June 30, 2017, and exhibits, as well as any subsequent amendments.

5. “Defendants” are the individual Defendants named in the Petition.

6. “Document(s)” is used in the broadest sense permissible under 12 O.S. § 3234(A)(1), and includes without limitation “writings,” “recordings,” “photographs,” “original[s],” “duplicate[s],” “image[s],” and “record[s],” as those terms are set forth in 12 O.S. § 3001.

7. The term “document(s)” includes all drafts and all copies that differ in any respect from the original; information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations; all other Electronically Stored Information; and the file-folder, labeled-box, or notebook containing the document, as well as any index, table of contents, list, or summaries that serve to organize, identify, or reference the document.

8. “Drug Utilization Review Board” is used herein consistent with its meaning in Section 317:1-3-3.1 of the Oklahoma Administrative Code.

9. “Electronically Stored Information” is used in the broadest sense permissible by the Oklahoma Rules of Civil Procedure and includes without limitation all electronic data (including active data, archival data, backup data, backup tapes, distributed data, electronic mail,

forensic copies, metadata, and residual data) stored in any medium from which information can be obtained.

10. The term “employee” includes all current and former employees, independent contractors, and individuals performing work as temporary employees.

11. “Healthcare Professional(s)” or “HCP(s)” is any Person who prescribes, administers, or dispenses any Relevant Drug or Medication Assisted Treatment to any Person or animal.

12. “Key Opinion Leader(s)” or “KOL(s)” is used herein consistent with its meaning in the Petition, ¶ 58.

13. “Medication Assisted Treatment” is the use of medications with counseling and behavioral therapies to treat substance abuse disorders and prevent Opioid overdose.

14. “Medical Necessity” has the same meaning as defined in Section 317:30-3-1(f) of the Oklahoma Administrative Code.

15. “Oklahoma Agency” or “Oklahoma Agencies” collectively refers to any State entity involved in regulating, monitoring, approving, reimbursing, or prosecuting the prescription, dispensing, purchase, sale, use, or abuse of controlled substances in Oklahoma, including, but not limited to, the Oklahoma Office of the Governor, Oklahoma Legislature, Oklahoma Office of the Attorney General, Oklahoma Department of Corrections, Oklahoma Department of Public Safety, Oklahoma State Department of Health, Oklahoma State Bureau of Investigation, Oklahoma Bureau of Narcotics and Dangerous Drugs Control, Oklahoma Department of Mental Health and Substance Abuse Services, Oklahoma Health Care Authority, Oklahoma State Board of Dentistry, Oklahoma State Board of Medical Licensure and Supervision, Oklahoma State Board of Nursing, Oklahoma State Board of Pharmacy, Oklahoma

State Board of Veterinary Medical Examiners, Oklahoma Workers' Compensation Commission, Office of the Medical Examiner of the State of Oklahoma, and their respective predecessors, supervisory and subordinate organizations, and current or former employees.

16. "Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural or synthetic chemicals that bind to receptors in a Patient's brain or body to produce an analgesic effect.

17. "Patient(s)" is any human being to whom an Opioid is prescribed or dispensed.

18. "Person(s)" is any natural or legal person.

19. "Program(s)" is every program administered by an Oklahoma Agency that reviews, authorizes, and determines the conditions for payment or reimbursement for Opioids, including, but not limited to, the Oklahoma Medicaid Program, as administered by the Oklahoma Health Care Authority, and the Oklahoma Workers Compensation Commission.

20. "Relevant Time Period" means January 1, 1999 to the present, or such other time period as the parties may later agree or the Court determines should apply to each side's discovery requests in this action.

21. "Relevant Medication(s)" includes any and all drugs, branded or generic, consisting of natural or synthetic chemicals that bind to Opioid receptors in a Patient's brain or body to produce an analgesic effect, whether or not listed in the Petition, including, but not limited to, codeine, fentanyl, hydrocodone, hydromorphone, methadone, morphine, oxycodone, oxymorphone, tapentadol, and tramadol.

22. "Vendor" means any third-party claims administrator, pharmacy benefit manager, HCP, or Person involved in overseeing, administering, or monitoring any Program.

23. “Third-Party Group(s)” is used herein consistent with its meaning in the Petition, including any “seemingly unaffiliated and impartial organizations to promote opioid use.” Petition, ¶¶ 58, 63, 72.

24. “You,” “Your,” “State,” “Oklahoma,” and “Plaintiff” refer to the sovereign State of Oklahoma and all its departments, agencies, and instrumentalities, including current and former employees, any Vendor, and other Persons or entities acting on the State’s behalf.

25. The words “and” and “or” shall be construed conjunctively as well as disjunctively, whichever makes the request more inclusive.

26. “Any” includes “all” and vice versa.

27. “Each” includes “every” and vice versa.

28. The term “including” shall be construed to mean “including but not limited to.”

29. The singular of each word includes its plural and vice versa.

INTERROGATORIES

1. Identify all Opioids manufactured by Actavis Pharma, Inc. and prescribed in Oklahoma that You claim were “unnecessary” or “excessive,” including, but not limited to, the date of the prescription, the amount of the prescription, the cost of the prescription, and the amount of that cost paid for or reimbursed by You.

2. For each prescription You identified as “unnecessary or excessive” in response to Interrogatory No. 1, describe Your basis for alleging that it was “unnecessary or excessive.”

3. For each prescription You identified as “unnecessary or excessive” in response to Interrogatory No. 1, identify the name and address of the HCP who issued the prescription, the name and address of the Patient to whom the prescription was issued, the diagnosis of the Patient receiving the prescription, and the name of the Oklahoma Agency employee(s) who approved Your payment or reimbursement of each such prescription.

4. For each HCP You identified in response to Interrogatory No. 3, identify each misrepresentation to that HCP that caused the HCP to prescribe an “unnecessary or excessive” prescription You identified in response to Interrogatory No. 1, including the date the HCP received that misrepresentation and the means by which that misrepresentation was communicated to that HCP.

5. For each Oklahoma Agency employee You identified in response to Interrogatory No. 3, identify each misrepresentation that caused that employee to approve the payment for or reimbursement of each “unnecessary or excessive” prescription You identified in response to Interrogatory No. 1, including the date the employee received that misrepresentation and the means by which that misrepresentation was communicated to that employee.

6. Identify each instance in which You or any other entity that provides or administers benefits for Your Programs denied payment or reimbursement for a prescription of an Opioid manufactured by Actavis Pharma, Inc. as “unnecessary or excessive,” and describe the details of the denial, including the date, claim number, the name and address of the HCP, the name and address of the Patient, the reason(s) given for the denial, and associated records or other documentation.

7. Identify the prescriptions of Opioids manufactured by Actavis Pharma, Inc. that were issued to Oklahoma Patients as a result of Actavis Pharma, Inc.’s allegedly false representations about the risks and benefits of Opioids and/or omission of information, as alleged in paragraph 53 of the Petition, including the date of each prescription, the identity of the HCP who wrote the prescription, the misrepresentation by Actavis Pharma, Inc. that caused that HCP to write the prescription, the name and address of the Patient who received the prescription, the

diagnosis of the Patient receiving the prescription, the amount of the prescription, and any harm to the Patient that allegedly resulted from the prescription.

8. Identify and describe all disciplinary proceedings, civil actions, or criminal charges brought or initiated by an Oklahoma Agency related to the Opioid prescribing practices of any HCP identified in your responses to these interrogatories.

9. For each disciplinary proceeding, civil action, or criminal charge identified by You in response to Interrogatory No. 8, identify the Oklahoma Agency employee(s) responsible for conducting and supervising the investigation that preceded each disciplinary proceeding, civil action, or criminal charge.

10. State whether You have received any complaints regarding the Opioid prescribing practices of any HCP identified in your responses to these interrogatories, and identify the HCP(s) against whom the complaints were made, the Oklahoma Agency that received the complaint, the Oklahoma Agency employee who was responsible for investigating the complaint, the date of the complaint, and the name and address of the Person making the complaint, and describe the substance of the complaint.

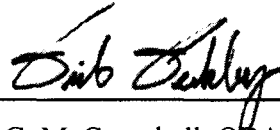
11. State whether any Oklahoma Agency initiated any investigation concerning the Opioid prescribing practices of any HCP identified in your responses to these interrogatories that did not result in disciplinary proceedings, civil actions, or criminal charges against that HCP, and identify the Oklahoma Agency, the HCP(s) investigated and the dates of the investigation(s), and describe the findings and conclusions of each investigation.

12. For each investigation identified by You in response to Interrogatory No. 11, identify the Oklahoma Agency employee(s) responsible for conducting and supervising the investigation.

13. Identify each “misrepresentation” or “omission” by Actavis Pharma, Inc. regarding Opioids, as alleged in paragraph 118 of the Petition, each “condition” “created” by each identified misrepresentation and omission, *id.*, and identify each individual “communit[y], neighborhood[,]” and “person[,]” *id.*, affected by the misrepresentations and omissions You identified.

14. Describe any injunctive relief that You are seeking to abate the “public nuisance,” Petition, Prayer ¶ K, including all Actavis Pharma, Inc. conduct You seek to prohibit to abate the “public nuisance” and all conduct You seek to compel from Actavis Pharma, Inc. to abate the “public nuisance.”

Dated: August 8, 2018



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CERTIFICATE OF MAILING

I certify that a true and correct copy of the foregoing was emailed this 8th day of August

2018, to:

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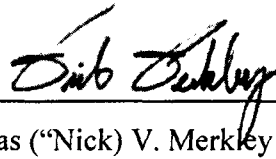
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